

WILLIAM A. BYRD, P.E., C.S.
106 Larkspur, Road
Columbia, SC 29212-2047

December 13, 2017

VIA, ELECTRONIC FILING

The Honorable Jocelyn Boyd
Chief Clerk and Administrator
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

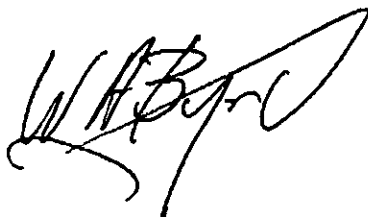
Re: Docket 2017-348-W
Second Reply To: Motion To Dismiss
Complaintive 2nd Reply & Response

Ms. Boyd:

Enclosed for filing in the above referenced Docket, please find the Docket Cover Sheet, the Second Reply & Response To: Motion to Dismiss and Certificate of Service.

Please Notify me if you need any further information.

Respectfully Submitted



William A. Byrd, Senior
803-781-7112

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2017-348-W

IN RE:)	
William A. Byrd, Sr.,)	
)	
Complainant/Petitioner,)	
)	
)	SECOND
)	REPLY & RESPONSE
v.)	TO
)	MOTION TO DISMISS
The City of Columbia,)	
)	
Defendant/Respondent.)	

COMPLAINANT/PETITIONER REPLY TO DEFENDANT'S
MOTION TO DISMISS

Complainant/Petitioner, William A. Byrd, Senior, for his Second Reply & Response to, Defendant/Respondent's Motion To Dismiss, states as follows:

GENERAL OBJECTIONS, CONDITIONS AND DEFINITIONS

The following Reply to objections and responses are incorporated by & into each of Complainant/Petitioner's Second Reply To: the Defendant/Respondent's first Reply to, the Complainant/Petitioner's Response to the Defendant/Respondent's Motion To Dismiss. Any specific response by Complainant/Petitioner, to the Motion To Dismiss is made subject to these General Objections and Responses.

1. The Complainant/Petitioner objects to the Defendant/Respondent's Reply to the Complainant/Petitioner First (1st) Reply To: Motion To Dismiss. The Defendant/Respondent has provided no evidence, or legal basis, for it not

to be considered to be operating a "*Slush Fund*." Particularly faced with the fact that: the South Carolina Supreme Court has specifically ruled that is exactly what the Defendant/Respondent is & has been doing: operating a *Slush Fund*. Ruling shown in the Complainant/Petitioner's original first Reply to the Defendant/Respondent's Motion To Dismiss and below.

The South Carolina Supreme Court in Appellate Case No. 2014-000032, Opinion No. 27573, Heard April 7, 2015 and Filed September 9, 2015. Joseph Azar, Frank J. Cumberland, Jr., and Michael A. Letts, Individually and as a Class Representatives Appellants, vs. City of Columbia, Respondent. Whereas the South Carolina State Supreme Court Opinion clearly state the following in the last line of its opinion, quoted, "*Simply put, the statutes do not allow these revenues to be treated as a slush fund*." (emphasis added).

Slush Funds are not allowed protections under SC Law Section 58-5-30 Sections 1, 3, & 5 in any way. They are specifically covered in SC 58-5 Article 7, Section 58-5-710 and Section 58-5-10. As such: *Slush Funds* are fully regulated by the South Carolina Public Service Commission (SCPSC).

Therefore, the Defendant/Respondent has no basis to its No.1 motion and it should be dismissed.

2. Complainant/Petitioner objects to the Reply to Response to Motion to Dismiss in that they use the term "General Argument," to define the Complainant/Petitioner's statements of legal facts. There are no general arguments in the Complainant/Petitioner's Complaint. The laws are clearly defined: the Defendant/Respondent is in violation of those laws as has already been upheld in Reply 1 of this document in the South Carolina Supreme Court.

Therefore, the Defendant/Respondent has no basis to its No.2 motion

and it should be dismissed.

3. The Complainant/Petitioner's Reply to 3. is as stated in Reply to Defendant/Respondent Motion To Dismiss 1 & 2.

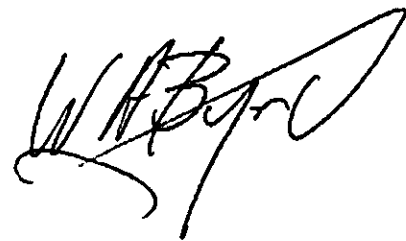
Therefore, the Defendant/Respondent has no basis to its No.3 motion and it should be dismissed.

4. The Complainant/Petitioner's Reply to 4. is as stated in Reply to Defendant/Respondent Motion To Dismiss 1 & 2.

Therefore, the Defendant/Respondent has no basis to its No. 4 Reply to Response to Motion To Dismiss and should be dismissed.

CONCLUSION

Based upon these stated Reply Facts, and recent public appearances of over 200± people at public meetings complaining about the Defendant/Respondent's Slush Fund billing & operation practices in 2017. The SCPSC, must allow a full hearing of the Complaint to proceed as scheduled, and dismiss the Defendant/Respondent's empty attempts to block the SCPSC from regulating its Slush Fund activities.



/s/ _____

Mr. WILLIAM BYRD, Sr.
106 Larkspur Road
Columbia, SC 29212-2047
803-781-7112

December 13, 2017
South Carolina

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THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2017-348-W

IN RE:)	
William A. Byrd, Sr.,)	
)	
Complainant/Petitioner,)	
)	CERTIFICATE OF SERVICE
v.)	
)	
The City of Columbia,)	
)	
Defendant/Respondent.)	

I, William A. Byrd, Senior, the Complainant/Petitioner, certify that I have served copies of the Cover Sheet, Reply To Motion to Dismiss and this Certificate of Service, as indicated below, via electronic mail on December 13, 2017.

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December 13, 2017
South Carolina